

**THE BOARD OF COUNTY COMMISSIONERS
DURHAM, NORTH CAROLINA**

Monday, October 13, 2008

County Commissioners' Chambers
200 East Main Street, Durham, North Carolina

AGENDA

"Public Charge"

The Board of Commissioners asks its members and citizens to conduct themselves in a respectful, courteous manner, both with the Board and fellow citizens. At any time, should any member of the Board or any citizen fail to observe this public charge, the Chairman will ask the offending person to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the Chairman will recess the meeting until such time that a genuine commitment to the public charge is observed.

As a courtesy to others, please turn off cell phones during the meeting.

7:00 P.M. Regular Session

1. **Opening of Regular Session**—Pledge of Allegiance 5 min.
2. **Agenda Adjustments** 5 min.
3. **Announcements** 5 min.
4. **Minutes** 5 min.

September 22, 2008 Regular Session

5. **Proclamation for 50th Anniversary of Durham Chapter of the Links Inc.** 5 min.

During the week of October 13, the Durham Chapter of the Links Incorporated will celebrate 50 years of civic involvement in Durham. The Links Inc. is a national organization of African-American women that have directed their time, talent, and treasure to support civic, social, and education efforts.

Over the years, local members have provided scholarships to high school and college students here and abroad and have helped fund construction of schools in South Africa. The Links organization has partnered with other local groups such as Women-In-Action for the Prevention of Violence and its Causes, Urban Ministries, and Lincoln Community Health Center to promote issues such as expansion of mental health services, women's health issues, drug and alcohol abuse, prevention, and more.

President June Michaux and members of Durham Links Inc. will attend the meeting to talk about the week of activities and to receive the proclamation.

County Manager's Recommendation: The Manager's recommendation is that the Board approve the proclamation and honor the positive work that the Durham Chapter of Links Inc. has performed over the past 50 years in enhancing the quality of life for others in Durham County.

6. **Proclaim October 19 - 25, 2008 as Pull the Plug Week in Durham**

5 min.

The Durham Coalition on Adolescent Pregnancy Prevention (DCAPP) organized to develop strategies to help reduce the number of families impacted by teen pregnancies and unwanted pregnancies, believes that parents are the first and foremost sexuality educators of their children.

DCAPP uses research to support their belief that the media also plays a significant role in developing attitudes and beliefs about sex and relationships. In recognition of the influence of media, DCAPP urges parents, community agencies, and religious organizations to take time to share their values, beliefs, and information about relationships, sex, and related topics.

DCAPP supports that quality time spent together, discussing topics related to relationships and sex, is crucial to preparing young people for their future endeavors as responsible adults and nurturing parents. To encourage more parent-child time, DCAPP requests that the Durham County Board of Commissioners proclaim October 19 - 25 as Pull the Plug Week in Durham and requests that citizens recognize and participate in its observance.

Resource Person(s): Annette Carrington and Emily Adams

County Manager's Recommendation: The Manager's recommendation is that the Board approve the proclamation and honor the positive work that the Durham Coalition on Adolescent Pregnancy Prevention has done to provide community education on adolescent pregnancy prevention in Durham County.

7. **Proclamation for 25th Anniversary of Urban Ministries**

5 min.

During October 19 - 25, Urban Ministries will celebrate its 25th Anniversary Week. This nonprofit organization has worked tirelessly to provide food, shelter, and various services to Durham's most vulnerable citizens.

Director of Urban Ministries, Lloyd Schmeidler, along with volunteers and Board members will attend the meeting to talk about the week of activities and to receive the proclamation.

County Manager's Recommendation: The Manager's recommendation is that the Board approve the proclamation and honor the positive work that Urban Ministries has done in supporting vulnerable individuals and families in Durham County.

8. **Ketner Award for the Guardianship Assistance Program**

5 min.

At the NC Association of County Commissioners annual meeting in August, Durham County DSS leaders were presented with a Ketner Award for the Guardianship Assistance Program (GAP). With the support of the Boards of Social Services and County Commissioners, the Durham County DSS has implemented the State's first child welfare kinship care program. The program helps individuals who are appointed guardians in juvenile court to fulfill their long-term commitments to children who would otherwise enter foster care.

The program provides child care subsidy, financial support, and on-going advocacy for guardianship arrangements resulting from Child Protective Service (CPS) interventions. Program supports include funds to meet the child's needs for education, health, and self-esteem, such as tutoring, summer camp, clothing, and uninsured medical expenses. GAP allows relatives to make a "long and strong" commitment to a child that they would otherwise be unable to make, such as grandparents living on fixed incomes. GAP is supported by funds that would have been spent to provide foster care services for participating youth and is expected to pay for itself by offsetting more expensive foster care costs. In a typical year, foster care placement costs in excess of \$13,000, not including the costs Medicaid, court-related costs, transportation, and other required services.

Rebecca Troutman with the NCACC will present the award to the Board of Commissioners.

Resource Person(s): Sammy R. Haithcock, Director, DSS; Chuck Harris, Assistant Director, DSS; Michael Ward, Guardianship Assistance Program Social Worker, and Rebecca Troutman, Intergovernmental Relations Director, NC Association of County Commissioners

County Manager's Recommendation: Recommend recognizing DSS leaders for ground-breaking program and award from the NCACC.

9. **Consent Agenda**

15 min.

- a. Durham Public Schools Projects (accept the title to the properties [Jordan High, Northern High, and Lakewood Elementary] and authorize the deeds to be recorded);
- b. Budget Ordinance Amendment No. 09BCC000012—Budget Changes Related to Capital Finance Program Dedicated Sales Tax and Occupancy Tax Revenues (approve to appropriate over-realized FY 2007-08 Article 40 and 42 sales tax and Occupancy tax [now FY 2008-09 General Fund fund balance] to the Capital Finance Fund per Durham County's Policy on financing capital projects);
- c. Budget Ordinance Amendment No. 09BCC000013—The Durham Center—Regional Mobile Crisis and START Program Funding (approve in the amount of \$1,275,410);
- d. Budget Ordinance Amendment No. 09BCC000014—Durham Soil and Water Conservation District: NC Agricultural Development and Farmland Preservation Trust Fund Grant (appropriate \$30,000 in grant funds for the purpose of contracting

- the services of a professional consultant to assist County staff in the development, completion, and adoption of a Durham County Agricultural Development and Farmland Protection Plan);
- e. Budget Ordinance Amendment No. 09BCC000015—The Durham Center—Bureau of Justice Assistance Grant in the amount of \$200,000;
 - f. Budget Ordinance Amendment No. 09BCC000016—Public Health—Recognize \$48,000 in One-Time Funding from the N.C. Department Of Health And Human Services, Division Of Public Health, to Improve the Delivery of Essential Public Health Services by Creating Earned Media (TV, Radio, Magazine) on Prevention/Health Issues;
 - g. Capital Project Amendment No. 09CPA00007—Durham Public Schools Adjustments to Two Durham Public School Projects Partially Funded With NC Public School Building Funds (approve to reduce the Hillside High School capital project budget [SH088] \$24,515 and the Southern High School capital project [SH092] budget \$10,620 to reflect unspent Public School Building Funds [PSBF] being returned to the state fund);
 - h. Capital Project Amendment No. 09CPA000008 (authorize an appropriation of \$4,700,000 to the South Regional Library project for a total project budget of \$210,387,262 and the execution of the construction contract with Bar Construction Company Inc. in the amount of \$5,318,000 [Base Bid Plus Alternate SH-1] and the execution of any other related contracts including change orders, if necessary, not to exceed the available construction budget of \$5,864,800; funding for this project will come from a COPS financing loan and any General Fund funds spent towards these projects will be reimbursed once loan funds are secured);
 - i. Approval of the Durham City-County Interlocal Cooperation Agreement for Planning;
 - j. Establishment of Eight Positions—Mental Health LME (approve as follows: Care Coordinator [4 positions], Housing Specialist [1 position], Community Liaison [1 position], and Substance Abuse Evaluators [2 positions]);
 - k. Resolution Imposing a Gross Receipts Tax on Heavy Equipment in Lieu of Property Tax (adopt the Resolution which replaces the lost personal property taxes);
 - l. Street Annexation Petition (approve the addition of Broughton Drive to the state's road maintenance system subject to the certification of eligibility by the appropriate officials of the NC Department of Transportation);
 - m. Approve Terms for Additional Leased Space at 300 East Main Street (approve the terms according to the terms in the Letter of Intent; authorize the Manager to negotiate a lease agreement based on these terms, which will be brought back to the Board for approval at a later date);
 - n. Approval to Amend Existing State Contract from the COPS Interoperable Communications Technology Grant Funds; and
 - o. Budget Ordinance Amendment No. 09BCC000017—Recognize Grant Funds for the Sheriff's Office (approve to appropriate unexpended grant funding in the amount of \$163,335).

10. **Public Hearing on the Work First Plan**

20 min.

Work First is the primary program in North Carolina for administering the Temporary Assistance for Needy Families (TANF) Program. Since Work First is administered locally in each county, North Carolina law (NCGS 108A-27) requires each county to submit a County Work First Block Grant Plan every two years.

Local leaders were appointed from various community agencies and organizations to form the Work First Planning Committee to be responsible for the development of the Work First Block Grant Plan.

On July 28, 2008, the Board of County Commissioners approved the list of members for the Work First Planning Committee.

The initial draft of the Durham County Work First Plan for Biennium 2010-2011 was presented to the Board of County Commissioners at the September 22, 2008 meeting.

The plan was distributed to the public for comment October 6 – 9, 2008. The Work First Plan was distributed to community agencies and organizations throughout the county and on the county's internet site for access by the citizens of Durham County. The distribution was also preceded by an announcement in local newspapers informing the public of the plan's availability for public comment. The Board of County Commissioners has set a public hearing on the plan to be held at the October 13, 2008 meeting.

The final Work First Plan will be submitted to the Board of County Commissioners at their meeting on October 27, 2008 for their approval.

By October 31, 2008, the Board of County Commissioners must submit the new Work First Plan to DHHS.

Resource Person(s): Jim Polk, Chair of the Work First Planning Committee; Rhonda Stevens, Assistant Director of the Department of Social Services, Family Economic Independence Division; and Sammy R. Haithcock, DSS Director.

County Manager's Recommendation: Receive public comments and input to the Work First Plan for Durham County.

11. **Public Hearing—Zoning Map Change—Chin Page Office Park (Z07-21)**

15 min.

To approve a request for a zoning map change for a 51.32-acre site located on the north side of Chin Page Road, west of Page Road.

Request: Rural Residential (RR) and Industrial Limited (IL) to Industrial Limited with a development plan (IL[D]).

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the *Comprehensive Plan* and is reasonable and in the public interest in light of information presented in the public hearing and in the agenda materials; or

Alternatively, in the event that a motion to approve the item fails, the Commissioners adopt as support for their actions on the proposed zoning map change the determination that, notwithstanding its consistency with the *Comprehensive Plan*, the request is neither reasonable nor in the public interest in light of information presented in the public hearing and in the agenda materials.

Staff Recommendation: Staff recommends approval, based on consistency with the Comprehensive Plan and considering the information provided in this report.

Planning Commission Recommendation and Vote: Approval, 10-3, on August 12, 2008. The Planning Commission finds that the ordinance request is consistent with the adopted *Comprehensive Plan*. The Commission believes the request is reasonable and in the public interest and recommends approval based on the information in the staff report and comments received during the public hearing.

Resource Person(s): Steven L. Medlin, AICP, City-County Planning Director, and Gail Sherron, Senior Planner

County Manager's Recommendation: The Manager recommends that the Board conduct a public hearing on the proposed zoning map change and approve it, if appropriate, based on the comments received.

12. **Public Hearing—Plan Amendment—Evaluation and Assessment Report (A0800005)**

15 min.

To conduct a public hearing on a plan amendment for the Evaluation and Assessment Report (A0800005); and

To rectify the Future Land Use Map of the *Durham Comprehensive Plan* by approving the map changes that the City Council adopted in 2007.

City-County Planning Department Recommendation: Approval based on the justification and meeting the criteria for plan amendments.

Planning Commission Recommendation: Approval, 13-0, August 12, 2008, based on information provided in the staff report.

Resource Person(s): Steven L. Medlin, AICP, City-County Planning Director, and Joseph Carley, Planner

County Manager's Recommendation: The Manager recommends that the Board conduct a public hearing and, if appropriate based on the comments received, approve Plan Amendment A0800005.

13. **2011-2017 Transportation Improvement Program (TIP) Local Priority List**

15 min.

Adopt the “Resolution to Endorse the Durham County Project Priority List for the FY 2011-2017 Transportation Improvement Program” (Attachment A).

The N.C. Department of Transportation (NCDOT) and the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) mutually adopt a seven-year Transportation Improvement Program (TIP). The TIP is a program of transportation capital and operating assistance projects to be implemented in the next seven years with the use of federal and state funds. The TIP is traditionally updated every two years. The Administration prepares and recommends an update to the list of transportation priority projects to be submitted to the MPO and State for consideration in the development of the next TIP. The DCHC MPO and the State recently approved the FY 2009-2015 TIP and have begun development of the FY 2011-2017 TIP.

Resource Person(s): Ellen Beckmann, Transportation Planner, DCHC MPO

Resource Person(s): The Manager recommends that the Board review the Transportation Improvement Program Local Priority List and adopt the Resolution to Endorse the Durham County Project Priority List for the FY 2001-2017 Transportation Improvement Program.

14. **Closed Session**

30 min.

The Board is requested to adjourn to closed session to discuss matters relating to the location or expansion of business or industry pursuant to G. S. 143-318.11(a)(4).

2½ hrs.